

SENATE BILL REPORT

SSB 5004

As Passed Senate, March 5, 2015

Title: An act relating to establishing the position and authority of warrant officers.

Brief Description: Establishing the position and authority of warrant officers.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Angel and Rolfes).

Brief History:

Committee Activity: Law & Justice: 1/19/15, 2/03/15 [DPS].

Passed Senate: 3/05/15, 43-1.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5004 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Tim Ford (786-7423)

Background: Washington cities fall into one of the following classifications based on population: first class, second class, and town. A first-class city is defined as a city with a population of 10,000 or more at the time of its organization or reorganization and has a charter adopted under the state Constitution. A second-class city is a city with a population of 1500 or more at the time of its organization or reorganization that does not have a charter adopted under the state Constitution and does not operate under the state Model Municipal Code. A town has a population of up to 1500 at the time of its organization and does not operate under the state Model Municipal Code.

A warrant officer is a limited-commission officer with the authority to arrest based on misdemeanor warrants and to serve court orders. Warrant officers are not fully commissioned law enforcement officers subject to law enforcement academy requirements. Washington law currently provides cities with a population of over 400,000 with the authority to maintain the position of warrant officer within the city police department. These cities are authorized to establish the number of warrant officer positions and the qualifications for warrant officers by ordinance. The warrant officer's compensation must be

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paid by the city employing the warrant officer. A warrant officer is vested only with the authority to make arrests authorized by court order and other arrests as authorized by ordinance. A municipal court order may not be executed by the warrant officer outside of the limits served by that court unless the person authorized by the order first contacts the law enforcement agency in whose jurisdiction the order is to be served. If a defendant is arrested in another city or county pursuant to a municipal court order, the municipal court issuing the order bears the cost of arresting the defendant, serving the order, and returning the defendant to the city. Warrant officers are not entitled to death, disability, or retirement benefits currently authorized under state law for law enforcement officers and firefighters. A city with a population of up to 400,000 is not expressly authorized by statute to maintain the position of warrant officer within its police department.

Summary of Substitute Bill: Any code or non-code city or town may establish and maintain the position of warrant officer within the police department. A warrant officer is vested only with authority identified in ordinance which may include making arrests authorized by warrants, and service of civil and criminal process. The Chief of Police must establish training requirements consistent with the duties of the warrant officer.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill provides significant cost savings to first-class cities, which is particularly important to cities with smaller budgets. Larger cities like Seattle already have the authority to employ warrant officers and there is no reason to limit this to cities with a population of over 400,000 people. The warrant officer position is invaluable to some city police departments. The warrant officer position allows patrol officers to be free to answer serious calls for service. Without a warrant officer, a patrol officer must try to serve domestic orders between calls. Booking a person into jail can take an officer off of the street for 30 to 45 minutes. If a traffic or patrol officer comes into contact with a person who has a warrant for their arrest, the warrant officer can execute the warrant so that the patrol or traffic officer can get back on the road. Patrol officers cost the city more money and the city has more invested in a patrol officer's training. Warrant officers can be tasked with these specific responsibilities in order to allow patrol officers to handle other duties.

Persons Testifying: PRO: Senator Angel, prime sponsor; Larry Haskell, Spokane County Prosecutor; Dennis Hughes, Bremerton Police Dept.; Clifford Cook, Chief, Bellingham Police Dept.; James McMahan, WA Assn. of Sheriffs and Police Chiefs; Herb Krohn, citizen.